

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re:	)
	) Case No. 07-42685-659
Billy and Deborah HODGES,	)
	) Chapter 13
	)
Debtors.	) Debtor's Motion for Relief
	) From Automatic Stay to Proceed
	) With Divorce Proceeding
Billy HODGES,	)
	) Motion No. _____
Movant,	)
	)
vs.	)
	) Hearing Date: 03/13/08
JOHN V. LABARGE, JR.,	)
	)
and	)
	)
Deborah HODGES,	) Hearing Time: 10:00 A.M.
	) COURTROOM 7 NORTH
Respondents.	)
	) <b>MOVANT WAIVES 30 DAY HEARING</b>
	)

**NOTICE OF HEARING AND**  
**DEBTOR'S MOTION FOR RELIEF FROM AUTOMATIC STAY TO PROCEED**  
**WITH DIVORCE PROCEEDING**

PLEASE TAKE NOTICE, that upon the Debtor's Motion to for Relief from Stay, the undersigned will move before the Honorable KATHY A SURRATT-STATES, in the United States Bankruptcy Court, 111 South Tenth St., 7<sup>th</sup> Floor North, St. Louis, Missouri on the **13<sup>th</sup>** day of **March, 2008**, at **10:00 A.M.**, or as soon thereafter as the parties can be heard for an order granting the relief requested.

**WARNING: ANY RESPONSE MUST BE FILED NO LATER THAN FIVE (5) DAYS BEFORE THE HEARING DATE. A COPY MUST BE PROMPTLY SERVED UPON THE UNDERSIGNED. FAILURE TO FILE A TIMELY RESPONSE MAY RESULT IN THE COURT GRANTING THE RELIEF REQUESTED PRIOR TO THE HEARING**


**DATE.**

Comes now Movant, Billy HODGES, pursuant to 11 U.S.C. Section 362 and Federal Rules of Bankruptcy Procedure 4001 and 9014, and for his Motion for Relief from the Automatic Stay to Proceed with Divorce Proceeding, states to the Court as follows:

1. Debtors filed their Chapter 13 case with the Court on or about April 30, 2007.
2. The Court previously entered its Order pursuant to 11 U.S.C. Section 362(a) prohibiting, among other things, the commencement or continuation of a judicial, administrative, or other action or proceeding against the Debtors that was or could have been commenced before the commencement of this case. 11 U.S.C. Section 362(b) does not except from the Automatic Stay the commencement or continuation of a State Court divorce action.
3. Movant wishes to instigate divorce proceedings and request the bankruptcy stay be lifted for that purpose.

WHEREFORE, Movant prays this Court enter an Order terminating the Automatic Stay in order to permit Debtors to proceed with divorce proceedings in state court; and for such other and further relief as the Court deems necessary and proper in the circumstances.

RESPECTFULLY SUBMITTED,



/s/ David N. Gunn  
David N. Gunn #502943, #54880  
Robert Lawson #551534, #51935  
The Bankruptcy Company  
Attorney for Debtor  
1600 South Brentwood, Suite 725  
Brentwood, MO 63144  
314-961-9822 Fax 314-961-9825  
[stlouis@tbcwam.com](mailto:stlouis@tbcwam.com)

**PROOF OF SERVICE**

The undersigned certifies that a true copy of Debtors' Motion for Relief from the Automatic Stay to Proceed With Divorce Proceeding and Notice of Motion were served pursuant to L.B.R. 4001-1(A) via Court ECF or first-class mail, postage prepaid, on this 11th day of February, 2008, to the persons listed below:

/s/ Sam Shepley  
Sam Shepley

Mr. John V. LaBarge, Jr.  
P.O. Box 430908  
St. Louis, Missouri 63143

Americredit  
PO Box 78143  
Phoenix AZ, 85062

Litton Loan Servicing  
4828 Loop Central Drive  
Houston, TX 77081

Metropolitan St. Louis Sewer District  
PO Box 437  
Saint Louis, MO 63166

St. Louis County Collector of Revenue  
41 South Central  
Saint Louis, MO 63105

Billy W. Hodges  
PO BOX 32  
Villa Ridge, MO 63089

Deborah Hodges  
8837 BLEWETT  
SAINT LOUIS MO 63136